

AMENDED IN SENATE APRIL 29, 2008

AMENDED IN SENATE MARCH 28, 2008

SENATE BILL

No. 1764

Introduced by Senator Kehoe

February 22, 2008

An act to amend Section 8685.9 of the Government Code, relating to disaster assistance.

LEGISLATIVE COUNSEL'S DIGEST

SB 1764, as amended, Kehoe. Disaster assistance: certification.

Existing law, the California Disaster Assistance Act, limits the state share for any eligible project to no more than 75% of total state eligible costs, except that the state share may be up to 100% for costs connected with certain events only if the local agency has adopted a specified local hazard mitigation plan.

This bill would additionally require a local agency, on or after ~~on~~ January 1, 2010, to obtain an annual certification by the State Fire Marshal to be eligible to receive a percentage for a state share in excess of 75%. This bill would require the State Fire Marshal to specify the possible percentage a local agency may receive in excess of the 75% based upon certain criteria and regulations to be promulgated by the State Fire Marshal on or before July 1, 2009.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8685.9 of the Government Code is
2 amended to read:

1 8685.9. (a) Notwithstanding any other provision of law,
2 including Section 8686, for any eligible project, the state share
3 shall not exceed 75 percent of total state eligible costs unless the
4 local agency is located within a city, county, or city and county
5 that has adopted a local hazard mitigation plan in accordance with
6 the federal Disaster Mitigation Act of 2000 (P.L. 106-390) as part
7 of the safety element of its general plan adopted pursuant to
8 subdivision (g) of Section 65302. In that situation, the Legislature
9 may provide for a state share of local costs that exceeds 75 percent
10 of total state eligible costs.

11 (b) (1) Notwithstanding any other provision of law, for any
12 eligible project, and including the requirements of subdivision (a),
13 the state share shall not exceed 75 percent of total state eligible
14 costs unless the local agency obtains a certification by the State
15 Fire Marshal, before the disaster for which the local agency seeks
16 disaster relief, that the local agency is in compliance with all of
17 the following requirements:

18 (A) The local agency has at least one of the following:

19 (i) Its own structural fire protection services.

20 (ii) A contract providing structural fire protection services by
21 the Department of Forestry and Fire Protection.

22 (iii) Structural fire protection services from another local agency.

23 (B) The local agency is in compliance with Chapter 6.8
24 (commencing with Section 51175) of Part 1 of Division 1 of Title
25 5.

26 (C) The local agency has a fire prevention public education
27 program *that may include, but not be limited to, recommendations*
28 *for fire-resistant landscaping, creating and maintaining defensible*
29 *space around homes and other structures, and fire-resistant*
30 *construction principles.*

31 (2) Certification by the State Fire Marshal is effective for one
32 year from the date of issuance and shall include the percentage for
33 the possible state share in excess of 75 percent based on the level
34 of compliance with the requirements of paragraph (1).

35 (3) The State Fire Marshal shall adopt regulations on or before
36 July 1, 2009, to specify the various levels of compliance with the
37 requirements of this subdivision that result in the certification of
38 a percentage for the possible state share in excess of 75 percent.

39 (4) Paragraphs (1) and (2) shall apply to any local agency on or
40 after January 1, 2010.

1 (5) *For the purposes of this subdivision, “structural fire*
2 *protection services” means the protection of homes or other*
3 *structures from fire.*

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